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Supreme Court of the United States

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Petitioner

v.

District of Columbia Court of Appeals
500 Indiana Ave. NW, Room 6000
Washington, DC 20001

And

Committee on Admissions
District of Columbia Court of Appeals
500 Indiana Ave. NW, Room 4200
Washington, DC 20001

Respondents

On Petition For Writ Of Certiorari
To The District of Columbia Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Questions Presented for Review and Basic Facts

Basic Facts

Petitioner a USA citizen earned 3 law degrees with honors and magna cum laude results from British and ABA accredited law schools, LL.B. (London), LL.M. (Miami), LL.M. (Cambridge). Petitioner passed the Michigan bar examination with an MBE score of 166 and passed the MPRE in California. Petitioner has 5 years of law school and 2 years of undergraduate education. Petitioner can meet all moral character requirements (although not an issue in case). Respondent without conducting a substantive or procedural equivalency analysis of petitioner's legal education and bar exam pass and without due process procedures in place to conduct an evaluation held that petitioner was unqualified to take DC bar exam. Respondent refuses to weigh expert third party evidence or evaluate petitioner's legal education, courses, contents, grades, bar exam pass, quality of learning and basic purposes compliance with their bar admission rules. Petitioner has 145 semester hours of ABA law school equivalent education; 25 semester hours of ABA law school education. Respondent refuses to weigh assessments of ABA law schools and five state supreme court determinations that petitioner holds at least an equivalent ABA JD degree. Respondent failed to state with certainty what topics, specific cases, laws, regulations, principles, rules and specific areas of learning are required to take bar exam with sufficient clarity. Respondent refused to recognize their equitable jurisdiction and weigh petitioner's list of 20 equitable factors for a waiver of Court Rule 46. Respondent held that constitutional laws of due process, equal protection, interstate commerce, full faith and credit and the Sherman Act do not apply to respondent or were not violated. Respondent failed to apply rules of stare decisis. They arbitrarily, vaguely and inconsistently apply the law on bar admissions. Respondent is grossly negligent in their administration of justice in that the majority of 38,000 poor and disadvantaged unrepresented litigants loose their cases every year.

Questions for Review

1. Did respondent and respondent's bar admission rules as formulated, issued and applied violate petitioner's constitutional

rights and federal law herein discussed; due process, equal protection, interstate commerce clause, full faith and credit and the Sherman Act when respondent determined that petitioner was not qualified to take all or part of bar exam or be admitted on motion? Especially in light of the fact that respondent did not perform a substantive or procedural equivalency evaluation of petitioner's legal education? Also in light of the fact that Court Rule 46 does not allow a substantive or procedural equivalency evaluation of petitioner's legal education.

2. Did respondent violate this courts holding in Baird v. State Bar of Arizona 401 US 1 (1971) that held that a morally suitable petitioner with a proficiency in the law has a right to practice his occupation?

3. Did the respondent violate petitioner's constitutional rights when they failed to conduct a basic purposes due process analysis of petitioner's legal training as required by the Supreme Court in DC Court of Appeals v. Feldman 460 US 462 (1983)?

Table of Contents

- Basic Facts i
- Questions for Review i
- Table of Authorities iii
- Opinions below v
- Jurisdiction v
- Federal Questions vi
- Constitution, Court Rule and Statute Involved vi
- Statement & Argument 1
- Why should petition be granted? 1
- Due Process Violation 1
- Irrebuttable Presumption 4
- Equal Protection Violation 5
- Full Faith and Credit Violation 10
- Commerce Clause Violation 12
- Sherman Act Violation 17
- Conclusion 19
- Appendix 20

Table of Authorities
Cases

1) Adarand Constructors Co. Inc. v. Pena 515 US 200, 115 S. Ct. 2097 Page 9
2) Ake v. Oklahoma 470 US 68, 105 S. Ct. 1087 (1985) Page 8
3) American Medical Association v. United States 130 F.2d 233 (DC Cir. 1942), aff'd, 317 US 519 (1943) Page17
4) Baird v. State Bar of Arizona 401 US 1, 396 US 998, 90 S. Ct. 544 (1971) Page ii
5) Barnard v. Thorstenn 489 US 546, 109 S.Ct. 1294 1989 Page 15
6) Board of Curators of University of Missouri v. Horowitz 435 US 78, 98 S. Ct. 948 (1978) Page 3
7) City of Richmond v. J.A. Croson Co. 488 US 469, 109 S. Ct. 706 (1989) Page 9

8) Cleveland Board of Education v. La Fleur 414 US 632, 94 S. Ct. 791 (1974) Page 4
9) DC Court of Appeals v. Feldman 460 US 462 Pages ii, v, 1, 11
10) Dean Milk Co. v. Madison 340 US 349 (1951) Pages 14,16
11) Evitts v. Lucey 469 US 387, 105 S. Ct. 830 (1985) Page 8
12) Goldfarb v. Virginia State Bar Association 421 US 773 (1975) Page 17
13) Grutter v. Bollinger et. al. No. 02-241 Decided June 23, 2003, US Supreme Court Page 7
14) Hicks v. DC Committee on Admissions No. 88-1002 (DC May 23 1989) Page 1
15) Hughes v. Alexandria Scrap Corp. 426 US 794, 96 S. Ct. 2488 (1976) Page 13
16) In re Forcese No. 01-BG-599 Page 1
17) In re Griffiths 413 US 717 (1973) Page 6
18) In re Johnson No. 01-BG-621 Page 1
19) In re McCormick No. 02-BG-200 Page 1
20) In re Robert Baker No. 88-223, 579 A.2d 676 (DC App. 1990) Page 1
21) In re Robert A. Quigley No. 05-BG-480 Page 1
22) In re Summers 325 US 561 Page v
23) In re Wu No. 05-BG-443 Page 1
24) Kassel v. Consolidated Freightways Corp. 450 US 662, 101 S. Ct. 1309 Page 17
25) Massachusetts School of Law at Andover, Inc. v. ABA et. al. US Court of Appeals 3rd Circuit No. 96-1792 Page 17
26) Massachusetts School of Law v. Committee on Admissions, No. 99-BG-1065 Page 1
27) Michael H. & Victoria D. v. Gerald D. 491 US 110, 1095 S. Ct. 2333 (1989) Page 4
28) National Society of Professional Engineers v. United States 435 US 679 (1978) Page 18
29) New England Power Co. v. New Hampshire 455 US 331, 102 S. Ct. 1096 (1982) Page 15
30) Peel v. Attorney Registration and Disciplinary Commission of Illinois 496 US 91, 110 S. Ct. 2281 Page 14
31) Pike v. Bruce Church, Inc. 397 US 137, 90 S. Ct. 844 (1970) Page 14

32) Regents of the University of California v. Bakke 438 US 265, 98 S. Ct. 2733 (1978) Page 9
33) Schware v. Board of Bar Examiners (1957) 353 US at 239, 77 S. Ct. at 756 Page 3
34) Shapero v. Kentucky State Bar 486 US 466, 108 S. Ct. 1916 Page 14
35) Supreme Court of New Hampshire v. Piper 470 US 274, 105 S. Ct. 1272 (1985) Pages 8, 13, 15
36) Supreme Court of Virginia v. Friedman 487 US 59, 108 S. Ct. 2260 Pages 13, 15
37) Teare v. Committee on Admissions 566 A.2d 23 (DC App. 1989) Pages 1, 7, 11, 15
38) Texas v. Hopwood 518 US 1033, 116 S. Ct. 2581 (1996) Page 9
39) United States v. South-Eastern Underwriters Association 322 US 533, 558 (1944) Page 18
40) Willner v. Committee on Character and Fitness 373 US 96 (1963) Page 3
41) Yick Wo v. Hopkins 118 US 356 Page 6

Constitution, Court Rule and Statute

1. U.S. Const. Amend. XIV Page vi
2. U.S. Const. Amend. V Page vi
3. U.S. Const. Article IV Page vi, vii
4. U.S. Const. Commerce Clause Page vi
5. The Sherman Act, 15 U.S.C.A. Sections 1 – 7 Page vii
6. DC Court of Appeals Rules of Court Rule 46, Bar Admissions Page vii

Opinions Below

The District of Columbia Court of Appeals issued a Per Curiam order on July 29, 2005 denying petitioner's petition to take all or part of bar exam or to admit petitioner to bar on motion.

Jurisdiction

The judgment of the court of appeals was entered on July 29, 2005. The jurisdiction of this court is invoked under 28 U.S.C.

Section 1257 and Article III, Section 2 of the Constitution of the USA. See In re Summers and DC Court of Appeals v. Feldman

Federal Questions

Petitioner filed a 70 page petition, (original petition) with the respondent seeking admission to their bar exam, a part of bar exam and or admission on motion. Half of this petition dealt specifically with all constitutional and federal law questions raised here. The facts and law were argued clearly and in substantial detail. An exhaustive list of Supreme Court cases were analyzed and applied. Respondent simply rejected ALL constitutional and federal law issues out of hand. Respondent's committee on admissions said such arguments have been rejected numerous times by respondent and they should be rejected in this petition. Respondent denied petition without oral argument or opinion.

Constitution, Court Rule and Statute Involved

1. The fourteenth Amendment to the United States Constitution provides:

   All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Due Process Clause of the Fifth Amendment to the United States Constitution
3. The Commerce Clause of the United States Constitution
4. The Full Faith and Credit Clause, Article IV Section 1 of the United States Constitution provides:

   (1) Full Faith and Credit shall be given in each State to the public acts, records, and judicial proceedings of every other

state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

5. 15 U.S.C.A section 1 – 7, The Sherman Act section 2 provides:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding one million dollars if a corporation, or, if any other person, one hundred thousand dollars, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

6. DC Court of Appeals Rules of Court Rule 46, Bar Admissions

Rule 46(3) Proof of legal education in a law school approved by the American Bar Association. An applicant who has graduated from a law school that at the time of graduation was approved by the American Bar Association or who is certified by the dean of such law school as being eligible for graduation shall be permitted to take the bar examination. Under no circumstances shall such an applicant be admitted to the bar without first having submitted to the Director a certificate that the applicant has graduated from an approved law school with a JD or LLB degree.

Rule 46(4) Law study in law school not approved by the ABA. An applicant who graduated from a law school not approved by the American Bar Association shall be permitted to take the bar examination only after successfully completing at least 26 semester hours of study in the subjects tested in the bar examination in a law school that at the time of such study was approved by the American Bar Association.

Statement & Argument

Why should petition be granted?

Respondent consistently ignores the constitutional law, which directly harms the petitioner and similarly situated bar applicants. See Teare v. Committee on Admissions, Massachusetts School of Law v. Committee on Admissions, Hicks v. DC Committee on Admissions, DC Court of Appeals v. Feldman, In re Robert Baker, In re Forcese , In re Johnson , In re McCormick, In re Robert A. Quigley, In re Wu. Many state supreme courts refuse to apply the constitutional law as it relates to bar admissions. See a recent Legal Times (Washington, DC) article fully describing the court's and law professions entrenched restrictive practice hurdles to bar admissions. Whereas many states apply the constitutional law and offer the relief herein sought. There are several dozen non-ABA law schools, thousands of current non-ABA law school students, thousands of LLM students like petitioner that attended ABA law schools and thousands of international law schools. This case will establish a fair and equitable standard by which all bar applicants are academically evaluated. This case will require all gatekeepers to adopt fair standards for evaluating new entrants to all occupations and professions. Most importantly, this case will greatly improve the ACCESS TO JUSTICE by increasing the number of lawyers financially able to assist the poor and disadvantaged.

DC Court of Appeals Denied Petitioner Procedural and Substantive Due Process

Respondent, without knowing one single case, law, legal principal, theory or rule that petitioner studied in Cambridge, London or Miami held that petitioner was not qualified to take bar exam or practice law in Washington, DC. Respondent does not understand that British law is the basis of the American legal system and that almost every American legal principal is found in British law. They do not understand that a British law degree from London or Cambridge universities is enough training to pass the bar exam as is annually demonstrated in the New York bar exam, which does not

require ABA or USA law school education from graduates of Cambridge, London and Oxford universities.

The fourteenth and fifth amendment to the US Constitution requires the DC Court of Appeals to provide the petitioner both substantive and procedural due process before denying his petition to take their bar exam and or practice law in DC. The government shall not take a person's life, liberty, or property without due process of law. The respondent must provide notice of an adjudicative process and an opportunity to be heard. The Supreme Court will weigh three factors in determining what constitutes fair process; (1) importance of individual interest, (2) value of specific safe guards to that interest and (3) the respondent's interest in fiscal and administrative efficiency. Here the petitioner is a settled resident in Washington, DC with an established retail store and other commercial business interest in DC. The petitioner holds three law degrees, a bar exam pass and a MPRE pass. The petitioner has a right to practice his profession in Washington, DC. Respondent without conducting a substantive or procedural qualitative equivalency analysis of petitioner's legal education and bar exam pass and without due process procedures in place to conduct such an evaluation held that petitioner was unqualified to take the DC bar exam. Respondent refuses to accept expert third party evidence from academic evaluators, ABA law schools and other state supreme courts or evaluate petitioner's legal education, courses, contents, grades, bar exam pass, quality of learning and basic purposes compliance with their bar admission rules. Respondent failed to state with certainty what topics, specific cases, laws, regulations, principles, rules and specific areas of learning are required to take all or part of bar exam with sufficient clarity. Respondent refused to recognize their equitable jurisdiction and failed to weigh petitioner's list of twenty equitable considerations for a waiver of rule 46. The respondent's interest in fiscal and administrative efficiency is easily satisfied as petitioner paid for all third party evidence and evaluations. The respondent was simply required to read this third party evidence and or listen to petitioner's oral arguments and presentation of this evidence in open court. This involves little time and money. Evidence from other state supreme courts, ABA law schools and academic evaluators is highly reliable and probative of

petitioner's legal training. The respondent is required to give petitioner an individualized adjudication to determine his compliance with the basic purposes of the bar admission rules. The respondent did not grant a hearing nor did they weigh petitioner's evidence. Respondent has issued vague and arbitrary bar admission rules and failed to apply these rules consistently with the rules of stare decisis.

These bar admission rules as formulated and applied to the petitioner do not allow the petitioner to offer written evidence of his basic purposes compliance with these bar admission rules nor do they allow a formalized evidentiary hearing. Some form of procedural due process either written or hearings or both is required by the Supreme Court as held in Board of Curators of University of Missouri v. Horowitz.

The Supreme Court held in Willner v. Committee on Character and Fitness that petitioner was denied procedural due process when he was denied admission to the bar without a hearing to challenge charges filed against him. This court also held that the requirements of procedural due process must be met before a state can exclude a person from practicing law. Procedural due process requires confrontation and cross-examination of those whose word deprives a person of his livelihood. Here the respondent is refusing to hear and weigh petitioner's evidence.

The Supreme Court held in Schware v. Board of Bar Examiners that a state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the due process clause of the 14th amendment. A state can require high standards of qualifications, such as good moral character or proficiency in its law before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. However, even in applying permissible standards, officers of the state cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards. Here the respondent is refusing to allow petitioner to establish an educational basis.

DC Court of Appeals Irrebuttable Presumption Excludes Petitioner from Law Practice

Respondent irrebuttably presumes that petitioner's three law degrees from highly accredited universities including one by the ABA, does not meet the minimum requirements of learning for a JD degree from an ABA law school. The JD degree from an ABA law school is respondent's benchmark threshold for the bar exam and law practice. This presumption denies petitioner's constitutional fundamental right of due process. This presumption precludes petitioner from proving his law proficiency and basic purpose compliance with the bar admission rules such that petitioner's right to practice law and participate in the judicial branch of government as a lawyer in Washington, DC is unconstitutionally denied. The Supreme Court held in Michael H. & Victoria D. v. Gerald D. that this constitutional ground of attack is based on the lack of fit between the classification, here that "only" an ABA law school can provide quality training and the policy underlying the classification, which is the bar applicant's acquisition of a proficiency in the law. The rule holds that since the presumption may not be valid for each member of the class, denial of an opportunity to challenge the presumption violates due process. Individualized determinations are necessary for due process to be satisfied. See Cleveland Board of Education v. La Fleur. This ABA law school requirement presumes all other legal study is substandard and inadequate to take the DC bar examination and or practice law in DC without accepting proof to the contrary.

Respondent precludes the petitioner offering evidence from third party independent education and degree evaluators that the petitioner has acquired a legal education and law degrees that at least equals the legal education and degrees obtained in an ABA law school JD degree. The petitioner with his two advanced graduate law degrees as well as his bar exam pass in Michigan possess a legal education superior to the legal education on offer at the typical ABA law school JD degree. The requirements of procedural due process requires respondent to allow petitioner to call witnesses, produce expert evidence, produce relevant evidence generally to prove that petitioner has the required basic purposes law proficiency. Due